UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.18
1 April 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 February 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

CONTENTS

Rights of persons belonging to national, ethnic, religious and linguistic minorities (continued)

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-10514/4367B

The meeting was called to order at 3.40 p.m.

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (E/CN.4/1992/48, Corr.1 and 2, E/CN.4/Sub.2/1991/41 and Corr.1, and E/CN.4/Sub.2/1991/43) (continued)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 20) (E/CN.4/1992/52, E/CN.4/1992/65 and E/CN.4/1991/56) (continued)

1. Mr. MARTA (International Work Group for Indigenous Affairs), in a statement on agenda item 18, drew attention to the situation of national and religious minorities in Myanmar (formerly Burma), who numbered 14 million, and who were being denied not only their national and religious rights but also their right to self-determination. The authorities had further confused the situation by announcing that there were 135 races in Myanmar and by claiming that it was impractical to grant the right to internal self-determination to all of them. The figure cited was in fact the number of subgroups of the 11 national groups in Myanmar. Most of them had been denied their rights since Burma's accession to independence in 1948; they could not learn their language at school, practise their culture or manage their domestic affairs. They were treated as second-class citizens in their own country, and compelled to read, write and speak the Burmese language, the language of the country's dominant group. They were subjected to the totalitarian Government of the military regime.

2. The persecution and the social and economic injustice inflicted on the minorities had caused them to flee their country, to retreat into silence or to take up armed resistance. As a result, a country with no foreign enemies was devoting over 40 per cent of the national budget to defence in order to repress its minorities. The looting and burning of villages inhabited by minorities, extrajudicial executions (numbering 400,000 since Burma's independence) and compulsory relocation were common practice. The Karen ethnic group had been singled out; in October and November 1991, 21 villages had been destroyed in the Irrawaddy delta through combined air, sea and land attacks. More than 25,000 soldiers were massed on the Thai border and frequent incursions into Thai territory were reported. Karen community leaders had been arrested, charged with armed rebellion and tortured; some had been executed. More than 80 of them had disappeared en route to detention centres and members of their families had been arrested, interrogated and imprisoned. Christian ministers had also been the victims of repression and more than 30 of them were still in prison. The regime did not spare children, women or old people.

3. In the south-west of former Burma, thousands of Muslims were fleeing religious persecution by the army. A large area of Muslim land had been confiscated and handed over to hostile settlers. Even the mosques were demolished for transformation into barracks. Young Muslims were employed as forced labour to build military roads and airfields. Myanmar had allegedly deployed over 75,000 troops on its border with Bangladesh, thereby threatening Bangladeshi sovereignty and regional peace. In the north-west, on the Indian frontier, Naga villages had been overrun by Burmese troops in mid-December 1991, and the Indian authorities had reported that they had given

refuge to 1,400 Naga refugees from Burma who had fled the atrocities. In the west, 15,000 Muslims had allegedly been press-ganged into the army for use as human shields in the event of war breaking out with Bangladesh. In the south-east of the country, the authorities imposed forced labour on the members of minorities, including women and even pregnant or nursing mothers. The victims were treated extremely harshly: they were badly fed, beaten by soldiers, deprived of medical care and used as a human shield for the army when it advanced over minefields. According to escapees, there had already been 100 deaths among the army's porters, including women, who were occasionally forced to prostitute themselves for the soldiers.

4. The treatment inflicted on minorities by the military regime of former Burma could no longer be considered a domestic matter. The civil war had already driven over 150,000 refugees to neighbouring countries: in a town such as Ranong, in southern Thailand, 1,500 Burmese women, many of whom were reported to have AIDS, had been forced into prostitution. Lastly, the 1992 opium harvest was estimated to be over 2,500 tons, as the military authorities had signed a cease-fire with the country's opium warlords and were cooperating in illicit heroin production. It was clear that former Burma was a threat to regional security and to world peace.

5. Mr. LITTMAN (International Fellowship of Reconciliation) made a pressing appeal on behalf of the Armenians, whose security was once again threatened in Nagorno-Karabakh, and said that after the extermination of over 250,000 Armenians under the Ottoman empire between 1894 and 1896, there had been a full-scale genocide between 1915 and 1917, which had left some 1,500,000 victims. The Armenian people were still waiting for the international community to recognize that genocide, which had been witnessed by thousands of people and to which impartial historians had subsequently testified. It was essential for there to be universal recognition of the first genocide of the twentieth century, to prevent it from falling into oblivion and to make the international community more alert to the slightest indication that further massacres were being prepared against the Armenians. In view of the explosive situation in Nagorno-Karabakh and the decision taken by CSCE (Conference on Security and Cooperation in Europe) to send a fact-finding mission to Nagorno-Karabakh, the International Fellowship of Reconciliation proposed that the Commission adopt by consensus a declaration recommending that a United Nations force, composed of soldiers of the Russian Federation, be stationed to protect the Armenian population.

6. The International Fellowship of Reconciliation also wished to draw attention to the institutionalized discrimination suffered by a religious minority in Israel. According to a communication sent to the speaker by the rabbi of a Reform Progressive synagogue in Jerusalem, the principle of religious freedom in Israel was in conflict with the democratic process. As Israel had no constitution, freedom of worship was not guaranteed there. Since 1948 no political party had been able in elections to obtain the majority required to control the Knesset. As a result, the political parties constituted coalition Governments, of which the Orthodox Jewish religious parties had always been a part, but for a price: they had regularly controlled the Ministry of the Interior, which was responsible for population registry, i.e. the registration of marriages and divorces. However, only religious marriages were legal in Israel and, where Jews were concerned, only

marriages celebrated and divorces pronounced by Orthodox rabbis were recognized by the Ministry of the Interior. In Israel there was also a Ministry of Religious Affairs which distributed public funds to religious institutions. The funds were distributed to Muslims, Christians and Orthodox Jews. "Progressive" Jews, i.e. Reform and Conservative Jews, were denied funding for their religious institutions. Even more disturbing, State funds were used by the Ministry of Religious Affairs to delegitimize Progressive Judaism. For example, full-page advertisements regularly appeared in the local and national press declaring that Jewish law prohibited attending non-Orthodox synagogues. Progressive Jews were not legally restricted in their religious practice, but they were obliged to submit to Orthodox rules of marriage, burial and divorce, and they were not granted the same rights or privileges as Orthodox Jews. Democracy implied equal rights. The Government should either grant no subsidies to any religious institution, or grant them equally to all, in proportion to their needs. That was the case in Israel as far as Sunni and Shiite Muslims were concerned, as well as in the case of Catholics and Protestants, for the repair or construction of mosques and churches. The same treatment should be given to all rabbis and to their synagogues, whether they were Ashkenazi or Sephardi and whether they were Orthodox, Conservative, Liberal, Reform or Progressive Jews.

7. Mrs. BERGEN (Women's International League for Peace and Freedom) said that the situation of the Palestinian minority in the State of Israel was often overlooked by the international community. That minority, which had been incorporated into the State of Israel in 1948, had subsequently lost many of its rights. The Palestinians in Israel represented almost 18 per cent of the total population, and although they carried Israeli passports and were said to have equal rights to Israeli Jews, human rights violations and discrimination were part of their daily lot. The Women's International League for Peace and Freedom worked with a number of human rights groups in Israel that closely monitored human rights violations there, such as land confiscation and use, the allocation of State funds and subsidies, discrimination in education and employment, as well as the application of various discriminatory laws like the Law of Return. Israel had no written constitution, a fact with numerous implications for the way in which Palestinians were treated in Israel, as they were not protected by any legal instrument. The Israeli authorities denied the wide economic, political and sociological gap between the Palestinian minority and the Jewish majority in Israel, but they had been disproven by those, both Jews and Palestinians, who faced the truth.

8. The most critical problem facing the Palestinians in Israel was the confiscation and expropriation of land, which was then distributed exclusively to Israeli Jews. Currently, 92 per cent of the land in Israel was registered in the name of the State of Israel or of the Jewish Agency, thus leaving only 8 per cent in the hands of the Palestinian minority - which represented 18 per cent of the population - and of a few Israeli Jews. Israeli legislation had virtually institutionalized the confiscation of land, and some laws had even been inherited from the British Mandate. As a result, Palestinian landowners had no legal redress.

9. Regarding subsidies and the allocation of public funds, military service, which was a requirement for a wide range of State benefits, was performed by

most Jewish Israeli citizens and by a few Palestinians. It established the right to supplementary national insurance benefits (the welfare programme) and to preferential treatment in respect of employment, training courses, access to higher education and to scholarships as well as to housing loans. It actually constituted a form of covert discrimination against the Palestinian minority. The average per capita provision in the budgets of Palestinian municipalities was only 25 to 30 per cent of the average per capita provision for Jewish municipalities. In autumn 1991, Arab mayors had protested outside the Knesset against such an unfair allocation of government funds.

10. In the education sphere, the school system in the Palestinian sector was disadvantaged in relation to the Jewish sector. There was a shortage of 1,300 classrooms in Palestinian schools, a figure which increased by 115 each year. Strikes had been called to draw attention to the needs of the Arab sector. As for unemployment, it was nearly 25 per cent in the Arab sector, i.e. more than double that of the Jewish Israeli sector. A number of factors accounted for that: employers were given incentives to hire new immigrants, who then replaced Palestinian workers. Palestinians were almost wholly excluded from the civil service, from commercial companies, academic posts, security-related jobs, and jobs in areas of advanced technology and applied sciences. In January 1992, it had been reported that 46 per cent of all Palestinian academics in Israel were unemployed. Lastly, the Law of Return, not to be confused with the Right to Return, allowed Jewish citizens settling in Israel to benefit from certain tax exemptions. Non-Jewish citizens were not entitled to such benefits.

11. Thus, the gap between the Palestinians living in Israel and the Israeli Jews was widening. If that process continued, it would lead to a higher rate of unemployment among the Palestinians, to a higher school dropout rate and to increased poverty. The Commission on Human Rights should turn its attention to those discriminatory practices. The Women's International League for Peace and Freedom called on those countries that contributed aid to Israel to ensure that the aid was equally distributed among all Israelis.

12. Mr. ALVARADO (International Association against Torture), drew the Commission's attention to the situation of indigenous populations in his own country, Guatemala. He was himself a member of the Quiche ethnic group, one of the 22 ethnic groups that made up Guatemalan society. Although the Quiche represented 65 per cent of Guatemala's total population, they took no part in the country's political, economic, cultural and social life. Since the arrival of the Spaniards on the South American continent in 1524, the Quiche had been subjected to domination by a minority, and for 500 years, Guatamala's successive Governments had continued the same policy of oppression, discrimination and repression against the indigenous peoples, whose very survival was threatened. The provisions of Guatemala's current Constitution, which granted indigenous populations a number of rights, including the right to own land and to develop their culture, were never applied in practice. In the 1980s, the brutal measures adopted by the army to crush any sign of resistance in the centre and north of the Quiche region had left over 6,000 dead. That systematic repression had actually been designed to deprive the indigenous population of all of their land and property and to drive them into extinction by preventing them from using their language and from transmitting their cultural values. Civil-defence patrols had been organized to keep the

indigenous communities in check and to destroy their way of life and thought through ideological indoctrination. Moreover, large numbers of indigenous persons had been press-ganged into the army and had thus become the murderers of their own people. The massacres of whole indigenous communities, the burning of their crops and the abductions and threats directed against all those who attempted to resist such measures had already been denounced on numerous occasions before many international bodies, including before the Commission.

13. In October 1991 representatives of Guatemala's indigenous peoples had taken part in the second Continental Meeting of the Indian, Black and Peoples' Resistance, which marked a milestone in the union of the oppressed peoples of Latin America and of other regions in the world against those who sought to exploit and annihilate them. The indigenous peoples had on that occasion drawn the attention of the international community to the violations of their rights and to the obligation of States to protect them, by virtue of the international instruments to which they were parties. They were resolved to continue their struggle until they were treated with the respect due to all human beings.

14. Mr. PHILIPS (Minority Rights Group) commended the preparation of the draft Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, which should enable those minorities effectively to enjoy their rights. The fact was that the United Nations had for a long time focused its attention on States, under the general assumption that the rights of minorities were already covered by international standards relating to individual rights and to the principle of non-discrimination. Contrary to the fears of some States, minorities only constituted a threat to the State if they were marginalized in society. It had been shown that in the last analysis the majority of violent conflicts throughout the world were caused by the unequal treatment of minorities; it was thus necessary to tackle the root causes of such conflicts to prevent violence in the future. Some countries had already understood that, and the Minority Rights Group commended the Government of Bulgaria for its current efforts on behalf of minorities.

15. The draft Declaration on the rights of minorities, which had been under preparation since 1978, was the first attempt to deal directly with the rights of minorities within the framework of the United Nations human rights standards. Although the text of the draft was not worded as strongly as the Minority Rights Group would have liked, it emphasized the need to allow minorities to play an active role within the State in which they lived and fully to recognize their right to participate effectively in all spheres of national life, and in particular in the taking of decisions affecting them or the region in which they lived; it also specifically identified the measures that States should adopt to encourage knowledge of the history, traditions, language and culture of minorities residing on their territory. Even though a declaration was not binding, States needed to be helped to implement the provisions set out in the draft Declaration. Aid agencies, the World Bank and the United Nations specialized agencies could all play a constructive role regarding minority rights by giving special emphasis to programmes designed to promote peaceful coexistence between minorities and majorities. In the report by the Sub-Commission's Expert, Mr. Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving

minorities (E/CN.4/Sub.2/1991/43), examples would no doubt be found of the implemention of the standards set out in declarations; in that connection assistance could be given to countries within the framework of the programme of advisory services in the field of human rights. The Minority Rights Group had appreciated the opportunity to take part in the activities of the Working Group responsible for preparing the draft Declaration, and thanked the representatives of the Nordic countries who had emphasized the important role played by NGOs. He urged the Commission immediately to adopt the draft Declaration.

16. Mr. LACK (World Jewish Congress) warmly welcomed the latest report of the Special Rapporteur of the Commission, Mr. d'Almeida Ribeiro, on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1992/52) which demonstrated the persistence of manifestations of intolerance and discrimination in practically all regions of the world. It was however unfortunate that in his report the Special Rapporteur had not included anti-Semitism among the most persistent and characteristic forms of religious, ethnic and racial intolerance. Nevertheless, it had to be emphasized that religious prejudice and intolerance were part of a worldwide phenomenon of racial and religious intolerance that had recently acquired alarming proportions. The upheavals in Eastern and Western Europe and in other regions of the world had given rise to outbreaks of violence and inter-ethnic strife, stirring up religious prejudice, of which anti-Semitism was a typical example. For that reason the 34 heads of State or of Government of States participating in the Conference on Security and Cooperation in Europe in Paris, in November 1990, had been led to declare in the "Charter of Paris for a New Europe" their "determination to combat all forms of racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds".

17. The World Jewish Congress was convinced that however important the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the United Nations on 25 November 1981, they lacked the binding nature of a legal instrument guaranteeing religious rights and freedoms. For that reason, his organization approved the recommendation made by the Special Rapporteur in his report, regarding the need to prepare a binding international instrument to guarantee freedom of thought, conscience, of religion and belief, as a fundamental freedom that could suffer no derogation, even in time of public emergency, as was stipulated by article 4 of the International Covenant on Civil and Political Rights. The changes that had occurred in the former Soviet Union and in other neighbouring States had indeed triggered the emergence of extremist and nationalist theories and feelings of hatred and religious intolerance against Jews, propagated by xenophobic and nationalist groups such as the notorious Pamyat movement and other Russian and Slav cultural groups. At the forty-seventh session of the Commission on Human Rights, the World Jewish Congress had appealed to the Soviet authorities to ensure that the law on freedom of religion or belief, which had just been adopted by the Supreme Soviet, was duly implemented to put an end to the acts of violence against the Jewish communities. It would like to know what the authorities of the Russian Federation and of the other Republics of the

Commonwealth of Independent States intended to do to prevent any incitement to violence and hatred against religious and ethnic minorities and to halt the rising trend of anti-Semitism and racist xenophobia in those countries.

18. The World Jewish Congress also wished to draw the Commission's attention to another example of the oppression of a religious minority, referred to by the Special Rapporteur in paragraph 68 of his report, namely the discrimination practised against the members of the Syrian Jewish community residing in Aleppo, Damascus and Kamishli, who were not allowed to emigrate from Syria. Those who had attempted to flee the country had been imprisoned for long periods without trial and subjected to torture and ill-treatment. The members of those communities were under close surveillance and their identity cards bore a special sign that clearly identified them as Jews. Such discriminatory practices were a blatant violation by Syria of its obligations under article 12 of the International Covenant on Civil and Political Rights, which recognized the right of everyone to leave any country, including his own, and under article 5 (d) (ii) and other provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. As a new member of the Commission on Human Rights, Syria was duty-bound to put an end to those violations of international instruments to which it was a party. Syria could not plead the existence of a national emergency to seek derogation from its obligations, since the state of emergency had been in force for 28 years, and, moreover, the derogations it had made in respect of Syrian citizens had been on religious grounds, contrary to the provisions of article 4 of the International Covenant on Civil and Political Rights. More than 4,000 people were thus prevented from leaving Syria to join their families abroad. The argument used by the Syrian authorities as a justification, namely, the existence of a conflict in the region, was totally fallacious and was clearly nothing but an attempt to politicize an exclusively humanitarian problem. The World Jewish Congress urged the Syrian Government to live up to its human rights obligations and to contribute to peace and reconciliation in that troubled region by putting an end to its deliberate policy of religious discrimination.

19. Mr. KEDZIA (Observer for Poland) said that the concept of human rights took on its full meaning when it concerned the protection of the different minorities, which was a complex problem that societies had to face every day. In spite of the encouraging developments in various regions of the world, the resurgence of intolerance, of xenophobia and of discrimination could only be deplored. No violation of the rights of minorities was acceptable. However, it was the legal status and the protection of persons belonging to national, ethnic, religious and linguistic minorities that particularly attracted the attention of the international community, on the one hand because violations of their rights could lead to serious national and international conflicts, and on the other because the presence of those minorities could enrich significantly the life of a country. For that reason, the protection of national minorities had become one of the key issues within the overall context of human rights.

20. Accordingly, his delegation noted with satisfaction that the Working Group on the rights of persons belonging to national, ethnic, religious and Linguistic minorities had produced a draft Declaration. Even though the text, like all draft texts, was not perfect, it did appear to fulfil two essential

requirements: firstly, it constituted a comprehensive international instrument in the field of protection of minorities, all of whose rights were clearly specified, and secondly, it clearly set out the commitments by which States could universally agree to be bound in so sensitive a sphere. It was thus a sound document, in line with the general approach to the question of international standards for the protection of the rights of minorities, and which, while ensuring a satisfactory balance between the rights of minorities and the obligations of the State, ultimately safeguarded the interests of the nation as a whole. The need henceforth was to consider procedural solutions for the implementation of the Declaration and thus to keep item 18 on the agenda of the forty-ninth session of the Commission.

21. The changes that had occurred in Poland since 1989 had allowed a new policy towards minorities to be defined. Minorities were considered to be an important factor in the development and enrichment of national life in general. They enjoyed all legal, cultural and political rights and in 1991 had elected representatives to the Polish Parliament. The Government of Poland was also gratified that it had been able to reach agreements on cooperation with neighbouring countries regarding the protection of minorities. His delegation hoped that the draft Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which should help to solve one of the crucial problems facing the international community, would be adopted by consensus.

22. Mr. BURGESS (United States of America) said that the right to worship had long been recognized as a fundamental human right. Unfortunately, that right was being violated in many regions of the world and acts of religious intolerance and persecution persisted, often condoned or even sponsored by Governments. Although more than 10 years had passed since the General Assembly had adopted the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, the Special Rapporteur pointed out in his latest report (E/CN.4/1992/52), that acts of religious intolerance, discrimination or persecution were regularly committed in 25 States Members of the United Nations. Many of those countries had already been denounced for failure to comply with their commitments under the 1981 Declaration.

23. Such was the case in Iran, where the continuing violations of the rights of the Baha'is should be condemned in the strongest of terms. The Baha'is possessed no legal guarantees against arbitrary dismissal, the confiscation of their property and denial of their right to education and to work. Some of them were imprisoned because of their religious beliefs. Between 1979 and 1988, 197 Baha'is had been executed, 15 had been reported missing and over 10,000 had been dismissed from their positions in Government or education and thousands of properties had been confiscated. In China, there were reports of restrictions on religious practice outside officially recognized or Government-controlled organizations. Such discrimination particularly affected Muslims, Christians and Tibetan Buddhists. In Sudan, there was clear evidence that the Government had launched a campaign to impose the Islamic faith in the south of the country. There had recently been a serious escalation of all forms of persecution against Christians.

24. On a more positive note, there was reason to be satisfied by the marked improvement in the situation in the countries of Eastern Europe and in the Republics of the former Soviet Union. However, it was necessary to ensure that the rights of religious minorities were respected as part of the new-found freedoms in those countries. It was nevertheless, regrettable that many of the recommendations made in the 1981 Declaration had not been implemented, in particular the recommendations that the text of the Declaration should be given the greatest possible publicity.

25. Freedom of thought and belief was an essential human attribute. Since the dawn of civilization the desire to believe in a Supreme Being had inspired men. Consequently, freedom of religion was a fundamental human right. His delegation would support any effort by the Commission to ensure that the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief became truly universal.

26. Mr. ZHU Xiaoming (China) said that it was the basic policy of the Government of China in religious affairs to respect and protect freedom of belief, as set out in article 36 of the Chinese Constitution. In addition, a number of other laws contained specific provisions relating to protection of religious freedom, and the State respected and protected normal religious activities.

27. There were many religions in China, including Buddhism, Taoism, Islam and Christianity. The various faiths were grouped into eight religious organizations at the national level and more than 2,000 at the local one. They ran their religious activities, directed religious colleges, trained their leaders and maintained friendly relations with religious organizations in other countries. In China, believers enjoyed the same political rights as other citizens. Religious leaders elected to the country's various political bodies took part in running the affairs of the State on the same terms as their colleagues. In all the country's local government offices there was a special department responsible for religious affairs and thus for the application of the relevant national laws and regulations, for protecting the rights of religious organizations, for coordinating relations between religious and non-religious organizations and for promoting relations between Chinese religious leaders and their foreign counterparts. Thus, China's religious organizations sent delegations to participate in international conferences and meetings.

28. His delegation wished to stress that Chinese citizens, whether believers or not, were all equal before the law and were entitled to the same rights and subject to the same obligations. The Government of China, which had always protected the rights of citizens to religious freedom, would not however allow certain persons to seek, under the cloak of religious practice, to divide the country, to overthrow the social order or to threaten the well-being of citizens, as had occasionally been the case in recent years. Troublemakers had been sentenced following due process of law, and it would be mistaken to interpret their convictions as acts of religious intolerance.

29. Mr. MALGUINOV (Russian Federation) said that over the centuries, many wars had been waged in the name of religious freedom, and defence of that principle played a major role in the struggle to achieve respect for human

rights as a whole. Religious freedom, which could suffer no restriction, was frequently the sine qua non for the settlement of inter-ethnic or international problems. Although the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been adopted over 10 years previously, the situation was far from satisfactory, as was evidenced by the report submitted to the Commission by the Special Rapporteur. In many countries, the rights of religious minorities were still flouted and religious issues remained at the root of many conflicts. For that reason Governments were duty-bound to establish a climate of tolerance in their countries through political and legal decisions.

30. In the Soviet Union religious practice had for decades been subject to restrictions and repression which had led to the spiritual impoverishment of the population. His delegation was able to announce that freedom of conscience had been proclaimed, that prohibitions on worship had been lifted and that numerous objects and relics had been returned to the church authorities. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights were henceforth fully respected. However, it was necessary to ensure that those principles were properly applied.

31. The Special Rapporteur had contacted a number of countries in which the situation occasionally appeared to contravene the Declaration, and it was fitting to commend those Governments that had agreed to answer the Special Rapporteur's questions. However, as some countries had not been willing to undergo that procedure, it was necessary to ensure that the steps taken by the Special Rapporteur could achieve their objective in all cases. The Government of the Russian Federation was now prepared to provide all the information requested. To ensure full respect for the right to religious freedom it was perhaps desirable to consider the preparation of a binding legal instrument in that sphere. The idea could naturally be studied and debated within the Commission. A vast information campaign might also be envisaged to combat acts of intolerance and discrimination against religious minorities. His delegation supported the recommendation made in resolution 1991/3 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the organization of a seminar on the interrelationship which existed between the enjoyment of the right to freedom of thought, conscience, religion and belief and the other human rights and fundamental freedoms. It was also favourably disposed towards the organization of a global consultation on the positions and approaches of different religions to human rights and fundamental freedoms.

32. Mr. KOOIJMANS (Netherlands) speaking on behalf of his delegation, congratulated Mr. Almeida Ribeiro for his report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1992/52). In the report, the Special Rapporteur underscored the full complexity of the factors that prevented the Declaration's implementation. He demonstrated that intolerance could spring from economic, social or cultural tension or from dogmatic interpretations within religious communities. One thing was clear: it was the duty of States to guarantee to each and everyone the right to have their own religion or belief, to practise it alone or in community with others, and to protect everyone against all social forces that tried to prevent them from

enjoying that right. It was nothing short of scandalous to learn that there were countries where intolerance was the result of deliberate Government policy. Citing paragraph 168 of the report, Mr. Kooijmans said that intolerance and discrimination based on religion or belief violated not only the right to freedom of thought, of conscience, of religion and of belief but also virtually all the other rights enshrined in the International Covenant on Civil and Political Rights. He failed to see how the mere act of following one's conscience could undermine State security. Accordingly, he commended the restoration of religious freedom in the Eastern European countries.

33. His delegation was deeply concerned about the intolerant attitude of some religious communities that denied others what they claimed for themselves, and he considered that in such circumstances it was the duty of the State to guarantee citizens respect for their fundamental freedoms and to protect them against any act of intolerance or discrimination. It was necessary to stress that a passive attitude on the part of States made them accomplices to such intolerance. Regarding the issue of proselytism and apostasy, his delegation considered that each individual had the right to try to convert others to his own religion, and that consequently, each individual had the right to change his religion.

34. His delegation was also concerned about the hardships suffered by members of religious minorities in countries in which there was an official or a majority religion. As the Special Rapporteur had emphasized, there was no universally agreed definition of the notions of religion, belief, sect or religious association, and accordingly freedom of religion or belief should be guaranteed for everyone and respected regardless of the size or nature of the community to which they belonged.

35. As far as the right to conscientious objection to military service was concerned, his delegation fully shared the Special Rapporteur's conclusions that in countries where military service was compulsory, there should be an independent and impartial decision-making body before which conscientious objectors would be able to express themselves and to be legally represented, in accordance with resolution 1989/59 of the Commission on Human Rights. His delegation considered that in general, in countries where there was religious tension, there should not only be legal or administrative procedures to allow victims of religious intolerance to seek redress, but also a dialogue between the different religious communities.

36. Lastly, it approved the extension of the Special Rapporteur's mandate.

37. Mr. HAIDAR (Syrian Arab Republic) thanked the Special Rapporteur for his report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1992/52).

38. He noted that paragraph 68 of the report made certain allegations that Syrian citizens belonging to the Jewish community suffered discrimination. He recalled that the Permanent Mission of the Syrian Arab Republic had sent a letter to the Centre for Human Rights (E/CN.4/1992/65) in which it had provided detailed information on all the rights and freedoms guaranteed by the

Constitution and by current law and regulations that were enjoyed by Syrian Jewish citizens. Syrian Jews led decent lives. The State and society respected their traditions and allowed them to practise their religion in complete freedom. They could send their children to special schools or enrol them in State schools, in which they suffered no discrimination. They could continue their studies at university. Syrian Jewish citizens had the same political rights as all other citizens. They could take part in elections and become members of the People's Council, of municipal councils and trade unions. They had taken part in the referendum on the renewal of President Hafez al-Assad's mandate and had organized demonstrations of support, at which they had brandished banners bearing slogans in various languages, including Hebrew. The statement made on that occasion by Rabbi Ibrahim Hamra had been taken up by all the print media, a fact which testified to the freedom of expression enjoyed by Syrian Jewish citizens. He insisted on the fact that Syrian Jewish citizens had lived in peace for centuries and had never been the victims of either discrimination or persecution on account of their religion or belief. Lastly, he regretted that organizations such as the World Jewish Congress should misinform and seek to exert blackmail with the sole aim of discrediting States.

39. In addition, he drew the attention of the Secretariat and of the delegations present to a typing error in the English version of document E/CN.4/1992/65, paragraph 20 of which should read "2 December" and not "2 January 1991".

40. Mr. WIELAND (Peru) said that the excellent report prepared by Mr. Vidal d'Almeida Ribeiro demonstrated the persistence of religious intolerance throughout the world. The phenomenon constituted a breach of human integrity and dignity and undermined the value of the other human rights, thereby once again demonstrating their indivisible and interdependent nature. Intolerance, as was only too apparent because of its ubiquitous nature, was a state of mind that was deeply rooted in human nature. An intolerant person was one who refused to accept that another person held different opinions or had different feelings from his own. Intolerant people could choose between two attitudes: either they moved away from those with different views or they subjected them to various forms of discrimination, or in extreme cases, sought to eliminate them, thereby demonstrating, whatever the case, a total lack of respect for human dignity, integrity and rights.

41. In Peru, freedom of religion and belief was enshrined in the Constitution and in domestic law. Nevertheless, certain individuals who could not accept that others thought differently from themselves had no hesitation in eliminating them and strove, by means of terror, to convince unfortunate innocents to follow them along that path. Thus, in 1991 a nun and three foreign religious ministers had been murdered, after so many others, by members of the armed group "Sendero Luminoso". He wished to pay tribute to those members of religious orders who had not hesitated to leave their country, regardless of threats, to assist the most underprivileged, and he expressed the hope that the indignation caused by those heinous murders would ultimately discourage such acts of violence or intolerance.

42. Regarding the means required to put an end to intolerance, the first step should be the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, and States should accordingly incorporate into their domestic legislation the legal provisions and machinery required to guarantee all people their duly recognized rights and to ensure that they were able to exercise them. His delegation shared the view of Mr. van Boven, an expert on the Sub-Commission on Prevention of Discrimination and Protection of Minorities, that a new and binding international instrument should be prepared on the basis of the various human rights instruments, which should be ratified by those States that had not yet done so. The international community for its part should strive to develop democracy. There were two other ways of combating religious intolerance: education and dialogue. A set of values based on human rights should be inculcated in individuals from early childhood in order to ensure that respect for one's fellows was spontaneous. Thus, freedom of expression would contribute to transmitting respect for others and brotherhood rather than hatred and intolerance. Moreover, dialogue between the different religious communities should be encouraged. In that respect, his delegation believed that the United Nations should encourage periodic meetings between the heads and representatives of various religious communities to reflect on the means of promoting a fraternal and respectful rapprochement between the members of those communities.

43. His delegation commended the considerable progress made towards religious freedom in the countries of central and eastern Europe and sincerely hoped that the disappearance of that form of intolerance would avert the emergence of other forms.

44. His delegation approved the extension of the Special Rapporteur's mandate.

45. Mr. BAIER (Austria) said that history had taught that failure to respect the principles enshrined in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was bound to lead to violations of the other human rights. Xenophobia and the discrimination to which it gave rise could only jeopardize national, or even international stability.

46. Austria welcomed the progress noted in that field by the Special Rapporteur in central and eastern Europe. Where other States were concerned, there was unfortunately no denying that numerous violations of the rights contained in the Declaration had been committed. The Special Rapporteur pointed out that acts of discrimination based on religion had occurred both in countries with a State religion and in countries in which there was no official religion. Austria nevertheless considered that such violations were more likely when a State religion or national church played a predominant role. It was particularly concerned about the severe punishment prescribed in some countries for people who converted to another religion.

47. His delegation noted with satisfaction that most Governments did not apply the principle of reciprocity to foreigners in matters of religion, even if they were aware that their own citizens did not enjoy the same religious freedom in their countries of residence. However, it was concerned about the attitude of some Governments in countries that restricted, on their territory,

the freedom of citizens of other countries, while expecting those same countries to grant full and complete religious freedom to their own citizens. It was also deeply concerned to note that expressions of extremism or fanaticism that could lead to other extremely serious human rights violations were tolerated, or even encouraged by Governments. In that connection it deplored that several countries had refused to cooperate with the Special Rapporteur. He pointed out that the Special Rapporteur, whose role was not that of a public prosecutor, but consisted merely in assessing situations, should make full use of the possibilities offered by individual country visits.

48. His delegation felt that it was useful to consider seriously the Special Rapporteur's suggestion that a set of criteria should be laid down regarding the question of conscientious objection. As a contributor to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, Austria also supported the Special Rapporteur's suggestion that advisory services be made available to promote the ideals of tolerance and understanding in matters of religion and belief through education. He fully associated himself with the Special Rapporteur's call for a continuing dialogue between representatives of the various faiths.

49. Mr. RHENAN-SEGURA (Costa Rica), speaking in exercise of the right of reply, answered the statement made under agenda item 18 by the representative of the Commission for the Defence of Human Rights in Central America, a non-governmental organization, regarding the situation of indigenous peoples in Costa Rica, and alleging that indigenous populations suffered discrimination in Costa Rica, particularly in the fields of health and education. He pointed out that the indigenous population numbered approximately 19,050, i.e. 1 per cent of the country's total population, and lived in reservations scattered throughout the country. Numerous decrees and laws had been promulgated in order to protect those indigenous groups. In 1973, the National Commission of Indigenous Affairs (CONAI) had been established and made responsible for improving the economic, social and cultural situation of the indigenous population. Moreover, the previous year, the Costa Rican Parliament had adopted a law on the registration of indigenous people, pursuant to which all those who did not yet possess identity documents would be issued with an identity card. That document would allow them to speed up their development and fully to exercise their rights and duties as citizens. He pointed out that under the Act, indigenous people were not required to leave their territory to complete the necessary formalities, but that civil servants who spoke their dialect visited the reservations. Lastly, it should be noted that Costa Rica had ratified ILO Convention No. 169 on indigenous and tribal peoples.

50. Mr. KARIM (Bangladesh), speaking in exercise of the right of reply, answered the statement made by the representative of the Minority Rights Group at the 16th meeting of the Commission, under agenda items 7 and 8. His delegation wished once again to emphasize that it was incorrect to speak of an indigenous population in Bangladesh. All Bangladeshis were indigenous. At the most there were a number of tribal groups that spoke a variety of dialects. The considerable success of Christian missionaries in the country's tribal regions testified to the religious tolerance that prevailed: some 90 per cent of the members of the tribal people in the plains had been converted to Christianity during the previous 50 years. As everyone was

aware, there was externally inspired and supported terrorism in the tribal regions along Bangladesh's frontiers. Experience had shown that terrorism required an adequate response and the presence of military units in those disturbed areas was solely to protect innocent civilians. Similarly, attempts by a dominant tribe to intimidate other tribes through violence and force had to be firmly countered by the Government.

51. Moreover, the question of the 1965 Property Act had been taken out of context. The land rights of all individuals were protected by law. In Bangladesh there was no notion of collective property, with the exception of the right of the State over unowned land. The entire population of Bangladesh was integrated into its development process. The report by the Minority Rights Group itself recognized that the literacy rate in most of the tribal areas was more than double the national average. That achievement could not be the result of neglect or discrimination. While it was true that there were social and economic disparities in Bangladesh, there was no society, whatever its state of development, that was without such disparities. Moreover, in Bangladesh as elsewhere, there would always be room for improvement to the economic and social structure.

The meeting rose at 6 p.m.